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Winston Fisher*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GEORGE JARAMILLO, II, an individual,

Plaintiff,

v.

AREA 15 LAS VEGAS LLC, a Delaware
Limited Liability Company, AREA 15
GLOBAL LLC, a Delaware Limited
Liability Company, KENNETH FISHER,
an Individual, STEVEN FISHER, an
Individual, WINSTON FISHER, an
Individual, FISHER BROTHERS
MANAGEMENT CO. LLC, a New York
Limited Liability Company, FISHER
BROTHERS FINANCIAL AND
DEVELOPMENT COMPANY LLC, a
New York Limited Liability Company, and
DOES 1-50 Inclusive,

Defendant.

CASE NO.: 2:21-cv-00891-RFB-BNW

**STIPULATION AND ORDER TO EXTEND
DISPOSITIVE MOTION DEADLINE**

(FIRST REQUEST)

Plaintiff GEORGE JARAMILLO, II (“Plaintiff”), by and through his undersigned counsel of record, the law firms of Brown, Clark, Le, Ames, Stedman & Cevallos LLP and Kaplan Young, and Defendants AREA 15 LAS VEGAS LLC (“Area 15 LV”), AREA 15 GLOBAL LLC (“Area 15 Global”) (together with Area 15 LV, the “Area 15 Entities”), FISHER BROTHERS MANAGEMENT CO. LLC (“FBMC”), FISHER BROTHERS FINANCIAL AND DEVELOPMENT COMPANY LLC (“FFDC”) (together with FBMC, the “Fisher Entities”) (collectively, the “Defendants”), and WINSTON FISHER (“Winston”), by and through their undersigned counsel of record, the law firm of Brownstein Hyatt Farber Schreck, LLP, hereby stipulate to extend the dispositive motion deadline set by the Court’s March 10, 2023 Order (ECF 109, 110), as set forth below:

1. On May 6, 2021, Plaintiff filed his Complaint in this Court against Defendants. *See generally* ECF 1.

2. At a hearing on Defendants’ Motion to Dismiss for Failure to State a Claim (ECF 22), this Court dismissed some of Plaintiff’s claims but permitted Plaintiff to conduct jurisdictional and fact discovery and to file an amended Complaint by April 25, 2022. ECF 46; ECF 50.

3. On May 3, 2022, this Court extended the deadline for Plaintiff to file an amended Complaint to June 27, 2022. ECF 66.

4. On June 27, 2022, Plaintiff filed an Amended Complaint.

5. On July 1, 2022, the parties submitted a Stipulation and Order to Extend Discovery and Dispositive Motion Deadlines (First Request). ECF 70.

6. On July 5, 2022, the Court granted and entered the Stipulation and Order to Extend Discovery and Dispositive Motion Deadlines (First Request), which extended the close of discovery deadline to September 30, 2022, and the dispositive motion deadline to October 31, 2022. ECF 71.

7. On August 15, 2022, the parties submitted a Stipulation and Order to Extend Discovery and Dispositive Motion Deadlines (Second Request). ECF 83.

8. On August 16, 2022, the Court granted and entered the Stipulation and Order to Extend Discovery and Dispositive Motion Deadlines (Second Request), which extended the close

1 of discovery deadline to December 15, 2022, and the dispositive motion deadline to January 17,
2 2023. ECF 84.

3 9. On October 19, 2022, the parties submitted a Stipulation and Order to Extend
4 Discovery and Dispositive Motion Deadlines (Third Request). ECF 89.

5 10. On October 20, 2022, the Court granted and entered the Stipulation and Order to
6 Extend Discovery and Dispositive Motion Deadlines (Third Request), which extended the close of
7 discovery deadline to February 28, 2023, and the dispositive motion deadline to April 3, 2023. ECF
8 90.

9 11. On January 23, 2023, Area 15 LV filed a Motion to Compel against Plaintiff. ECF
10 93.

11 12. On January 31, 2023, Area 15 LV filed a Motion (1) to Enforce Subpoena *Duces*
12 *Tecum* in a Civil Case to George Jaramillo, I and to Lisa Jaramillo (together, the “Jaramillos”); (2)
13 for an Order to Show Cause as to Why the Jaramillos Should Not Be Held in Contempt Under
14 FRCP 45(g); and (3) to Transfer this Subpoena-Related Motion to the District of Nevada (“Motion
15 to Enforce”) before the United States District Court for the Central District of California. ECF 1,
16 in 2:23-cv-349-RFB-BNW prior to consolidation, ECF 112.

17 13. On February 17, 2023, Defendants filed a Motion for Sanctions against Plaintiff.
18 ECF 100.

19 14. Discovery closed on February 28, 2023.

20 15. At the March 10, 2023 hearing on Defendants’ Motions to Dismiss the Amended
21 Complaint and Joinders (ECF 72, 80, 82), this Court dismissed some of Plaintiff’s claims and
22 certain Defendants from this action, and extended the dispositive motion deadline to April 17, 2023.
23 ECF 109, 110.

24 16. On April 10, 2023, Magistrate Judge Brenda Weksler heard the Motion to Compel
25 (ECF 93), Motion to Enforce (ECF 1, in 2:23-cv-349-RFB-BNW prior to consolidation, ECF 112),
26 and Motion for Sanctions (ECF 100).

27 17. At the hearing, the Magistrate granted in part and denied in part the Motion to
28 Enforce (ECF 1, in 2:23-cv-349-RFB-BNW prior to consolidation, ECF 112), ordering the

1 Jaramillos to show cause in writing why they should not be held in contempt, which can be satisfied
2 by responding to the subpoenas and producing all responsive documents thereto, by May 1, 2023.
3 ECF 116. The Magistrate also granted in part and denied in part the Motion to Compel (ECF 93),
4 ordering Plaintiff to produce responsive documents and/or submit a declaration under penalty of
5 perjury explaining why there are no responsive documents (as further detailed in the Court's Order)
6 by May 8, 2023. ECF 116.

7 18. Given that the deadlines for Plaintiff and the Jaramillos' compliance with the
8 Magistrate's Order will not occur until after the current dispositive motion deadline of April 17,
9 2023, that additional discovery issues may need to be resolved following Plaintiff and the
10 Jaramillos' compliance with the Magistrate's Order, and/or that Plaintiff's further document
11 productions, if any, may provide necessary evidence to file or oppose dispositive motions, the
12 parties request to extend the dispositive motion deadline by approximately 90 days to July 18, 2023.

13 19. Based on the foregoing, there is good cause to extend the dispositive motion
14 deadline.

15 20. The parties acknowledge that the instant request is made within 21 days of the
16 current dispositive motion deadline. However, the untimeliness of the instant request is a result of
17 excusable neglect because the request only became necessary due to the Magistrate's April 10,
18 2023 Order. The parties submit that this request is timely and promptly made following that Order.

19 21. Because discovery closed on February 28, 2023, and the parties are not requesting
20 to reopen it, the requirements of LR 26-3 to state the discovery completed and provide a specific
21 description of the discovery that remains to be completed is not applicable to the instant request.

22 22. This is the parties' first request to extend the dispositive motion deadline in this
23 matter following the close of discovery. All similar prior (three) requests were to extend the
24 discovery deadline in this matter and, by extension, the dispositive motion deadline. *See* ECF 70-
25 71, 83-84, 89-90.

26 ///

27 ///

28 ///

23. Based on the foregoing, Plaintiff and Defendants stipulate that the dispositive motion deadline be extended to July 18, 2023.

DATED this 13th day of April, 2023.

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LLC, Area 15 Global LLC, Fisher Brothers
Management Co. LLC, Fisher Brothers
Financial and Development Company LLC,
and Winston Fisher*

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 17th day of April, 2023.